IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16766 of 2004

Between:

Sri Narasayya, S/o. Babayya Kalal,
R/o. Kalgi, Chittapur (Taluk), Gulberga District,
Karnataka State.

... PETITIONER

AND

1 The Additional Secretary-Cum-Regional Transport Officer,
Regional Transport Authority, Nandyal District.
2 The Motor Vehicle Inspector, Regional Transport Authority,
Nandyal, Kurnool District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of 1st respondent in not releasing the vehicle bearing No.KA 32M 3687 (LMV) detained under Check report No. 0252180 dated 19-8-2004, as illegal, arbitrary, unjust and consequently direct the 1st respondent to release the vehicle.

Counsel for the Petitioner: Mr.K.MADHAVA REDDY

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the admission stage made the following:

Oral Order:

The petitioner claims that he is the owner of a Jeep bearing Registration No.KA 32M 3687. A check was conducted by the second respondent on 19-8-2004 under Section 207 (1) of the Motor Vehicles Act, 1988 and certain irregularities were found by him. Accordingly he seized the vehicle and produced the same before the first respondent. The main allegation against the petitioner is that in a private vehicle he was taking passengers who are not concerned with the owner of the vehicle. The learned counsel for the petitioner contends that he made a representation to the first respondent on 13-9-2004 and the same is pending consideration of the first respondent. The learned counsel further contends that if the vehicle remains idle, it is likely to be damaged. Therefore, he requests release of the vehicle for interim custody.

In the light of the facts and circumstances of the case, the first respondent is directed to release the vehicle of the petitioner subject to the condition of the petitioner depositing a sum of Rs.10,000/- and on the following further conditions:

1. The petitioner shall not transfer the vehicle to any other person.
2. He shall not change parts of the vehicle without the permission of the respondents.
3. He shall produce the vehicle as and when required by the first respondent.
4. He shall cooperate with the first respondent in the enquiry by participating in it.

With the above directions, the writ petition is disposed of.

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(Dr.G. Yethirajulu, J)

17th September 2004

svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Additional Secretary-Cum-Regional Transport Officer,
Regional Transport Authority, Nandyal District.
2 The Motor Vehicle Inspector, Regional Transport Authority,
Nandyal, Kurnool District.

3. The Government Pleader for Transport.

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